

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

THEODORE L. CLARK, III

Hon. Freda L. Wolfson

Crim. No. 16-cr-00449 (FLW)

ORDER FOR CONTINUANCE

This matter having come before the Court on the joint application of Paul J. Fishman, United States Attorney for the District of New Jersey (by Sammi Malek, Assistant U.S. Attorney), and defendant Theodore L. Clark, III (by Lisa Van Hoeck, Esq.), for an order granting a continuance of the proceedings in the above-captioned matter; and the defendant being aware that he has the right to have the matter brought to trial within 70 days of the date of his appearance before a judicial officer of this court and that a continuance shall serve to delay a trial in this matter pursuant to 18 U.S.C. § 3161(c); and the defendant through his attorney requesting a continuance pursuant to 18 U.S.C. § 3161(h)(7)(A) to permit defense counsel the reasonable time necessary for effective preparation in this matter and to allow the parties to enter into plea negotiations; and the defendant being aware that he has the right to proceed to trial within 120 days of his arrival in the receiving State (i.e., this District) under the Interstate Agreement on Detainers Act ("IADA"); and the defendant having consented to this continuance and he and/or his counsel having waived such right on his behalf and with his concurrence in open court; and the United States having no opposition; and for good and sufficient cause shown:

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. The failure to grant a continuance would deny counsel for the defendant the reasonable time necessary for effective preparation for trial, taking into account the exercise of due diligence;

2. The grant of a continuance will allow the parties to enter into plea negotiations and attempt to resolve this case, which would render any subsequent trial of this matter unnecessary;

3. The grant of a continuance will likely conserve judicial resources;

4. The defendant has consented to this continuance;

5. Pursuant to Title 18 of the United States Code, Section 3161(h)(7), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial; and,

6. Pursuant to the IADA, Article IV(c), good cause for this continuance request has been shown and this continuance request of the parties, including its length, is reasonable and necessary to allow the parties sufficient time to effectively prepare for trial and/or to resolve this case through plea negotiations.


WHEREFORE, it is on this 10th day of November, 2016,

ORDERED that the proceedings scheduled in the above-captioned matter are continued under the Speedy Trial Act and the IADA from the date of this Order through and including January 15, 2017;


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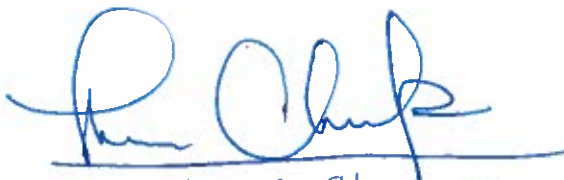
IT IS FURTHER ORDERED that the period from the date of this Order through and including January 15, ²⁰¹⁷~~2016~~ shall be excludable in computing time under the Speedy Trial Act of 1974.

IT IS FURTHER ORDERED that the period from the date of this Order through and including January 15, ²⁰¹⁷~~2016~~ shall be excludable in computing the 120 days within which the defendant is entitled to proceed to trial under the IADA.



HONORABLE FREDA L. WOLFSON
UNITED STATES DISTRICT JUDGE

Consented and Agreed to By:


Lisa Van Hoeck, Esq.
Counsel for Defendant


Theodore Z. Clark III


Sammi Malek
Assistant United States Attorney


Mary E. Toscano
Chief, General Crimes Unit